



General Assembly

January Session, 2017

Raised Bill No. 7276

LCO No. 5199



Referred to Committee on EDUCATION

Introduced by:
(ED)

AN ACT CONCERNING EDUCATION MANDATE RELIEF.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 (a) Not later than April 1, 2014, each regional educational service
4 center shall develop a uniform regional school calendar [to be used]
5 that may be adopted by each local or regional board of education in
6 the area served by such regional educational service center, in
7 accordance with the provisions of [subsections (b) and (c)] subsection
8 (b) of this section. Such uniform regional school calendars shall be
9 consistent with the guidelines for a uniform regional school calendar
10 developed pursuant to section 321 of public act 13-247. Not later than
11 April 1, 2014, each regional educational service center shall submit
12 such uniform regional school calendar to the State Board of Education
13 for approval. Not later than five days after such approval, such
14 regional educational service center shall submit such approved
15 uniform regional school calendar to the joint standing committee of the
16 General Assembly having cognizance of matters relating to education,

17 in accordance with the provisions of section 11-4a.

18 (b) For the school [years] year commencing [July 1, 2014, and July 1,
19 2015] July 1, 2017, and each school year thereafter, a local or regional
20 board of education may adopt the uniform regional school calendar
21 developed and approved pursuant to subsection (a) of this section.

22 [(c) (1) Except as provided in subdivision (2) of this subsection, for
23 the school year commencing July 1, 2016, and each school year
24 thereafter, each local and regional board of education shall use the
25 uniform regional school calendar developed and approved pursuant to
26 subsection (a) of this section.

27 (2) A local or regional board of education may delay
28 implementation of the uniform regional school calendar until the
29 school year commencing July 1, 2017, if such board of education has an
30 existing employee contract that makes implementation of the uniform
31 regional school calendar impossible.

32 (d) (1) Not later than July 1, 2014, the Commissioner of Education
33 shall submit a report on the implementation of uniform regional school
34 calendars and any recommendations for legislation relating to such
35 implementation to the joint standing committee of the General
36 Assembly having cognizance of matters relating to education, in
37 accordance with the provisions of section 11-4a.

38 (2) Not later than January 1, 2015, and July 1, 2016, the
39 Commissioner of Education shall submit a report on the
40 implementation of uniform regional school calendars in those school
41 districts that have adopted a uniform regional school calendar,
42 pursuant to subsection (b) of this section, and any recommendations
43 for legislation relating to such implementation to the joint standing
44 committee of the General Assembly having cognizance of matters
45 relating to education, in accordance with the provisions of section 11-
46 4a.]

47 [(3)] (c) Not later than [January 1, 2016, and] July 1, 2017, and
48 annually thereafter, the Commissioner of Education shall submit a
49 report on which boards of education have adopted the uniform
50 regional school calendar and the implementation of such uniform
51 regional school calendars, pursuant to subsection [(c)] (b) of this
52 section, and any recommendations for legislation relating to such
53 implementation to the joint standing committee of the General
54 Assembly having cognizance of matters relating to education, in
55 accordance with the provisions of section 11-4a.

56 Sec. 2. Subsection (d) of section 10-233d of the general statutes, as
57 amended by section 12 of public act 16-147, is repealed and the
58 following is substituted in lieu thereof (*Effective August 15, 2017*):

59 (d) Notwithstanding the provisions of subsection (a) of section 10-
60 220, local and regional boards of education shall only be required to
61 offer an alternative educational opportunity in accordance with this
62 section. Any pupil under sixteen years of age who is expelled shall be
63 offered an alternative educational opportunity [, which shall be
64 equivalent to alternative education, as defined by section 10-74j, with
65 an individualized learning plan,] during the period of expulsion,
66 provided any parent or guardian of such pupil who does not choose to
67 have his or her child enrolled in an alternative educational program
68 shall not be subject to the provisions of section 10-184. Any pupil
69 expelled for the first time who is between the ages of sixteen and
70 eighteen and who wishes to continue his or her education shall be
71 offered such an alternative educational opportunity if he or she
72 complies with conditions established by his or her local or regional
73 board of education. Such alternative educational opportunity may
74 include, but shall not be limited to, the placement of a pupil who is at
75 least seventeen years of age in an adult education program pursuant to
76 section 10-69. Any pupil participating in an adult education program
77 during a period of expulsion shall not be required to withdraw from
78 school under section 10-184. A local or regional board of education
79 shall count the expulsion of a pupil when he was under sixteen years

80 of age for purposes of determining whether an alternative educational
81 opportunity is required for such pupil when he is between the ages of
82 sixteen and eighteen. A local or regional board of education may offer
83 an alternative educational opportunity to a pupil for whom such
84 alternative educational opportunity is not required pursuant to this
85 section.

86 Sec. 3. (NEW) (*Effective July 1, 2017*) (a) Except as otherwise
87 provided in subsection (e) of this section, the Department of Education
88 shall (1) purchase, in accordance with the provisions of section 4a-57 of
89 the general statutes, a digital school management and reporting
90 software for purposes of creating, submitting and sharing digital
91 copies of education-related documents with the Department of
92 Education and among authorized users, and (2) provide such digital
93 school management and reporting software at no cost to local and
94 regional boards of education and the technical high school system. For
95 the purposes of this section, "education-related documents" means a
96 student's education records and any report required under title 10 of
97 the general statutes, including, but not limited to, the strategic school
98 profile report, as described in subsection (c) of section 10-220 of the
99 general statutes, and data submitted for inclusion in the state-wide
100 public school information system, pursuant to section 10-10a of the
101 general statutes.

102 (b) On or before October 1, 2017, the department shall issue a
103 request for proposals to eligible software companies for the purchase
104 of the digital school management and reporting software. Such request
105 for proposals shall require that the digital school management and
106 reporting software: (1) Allow authorized users to create and submit a
107 complete digital copy of education-related documents to the portal and
108 share such digital copy with (A) the department, and (B) a local or
109 regional board of education or the technical high school system in a
110 case where the student may transfer, (2) provide twenty-four-hour
111 access for an unlimited number of authorized users to use the digital
112 school management and reporting software, (3) allow local and

113 regional boards of education and the technical high school system to
114 purchase additional programs to supplement the digital school
115 management and reporting software, and (4) protects the privacy of
116 students when any education-related document is created, submitted
117 and shared using the digital school management and reporting
118 software from unauthorized access, destruction, use, modification or
119 disclosure in accordance with current industry standards.

120 (c) When evaluating the responses to the request for proposals and
121 selecting a digital school management and reporting software, the
122 department shall consider the types of digital school management and
123 reporting software currently used and successfully implemented by
124 local and regional boards of education in the state and the technical
125 high school system.

126 (d) For the school year commencing July 1, 2018, and each school
127 year thereafter, if the department purchases a digital school
128 management and reporting software under this section, the
129 department shall provide such digital individualized education
130 program form software to fifty per cent of the local and regional
131 boards of education and to fifty per cent of the technical high schools
132 under the jurisdiction of the technical high school system. For the
133 school year commencing July 1, 2019, and each school year thereafter,
134 the department shall provide the digital individualized education
135 program form software to the remaining fifty per cent of the local and
136 regional boards of education and to the remaining fifty per cent of the
137 technical high schools under the jurisdiction of the technical high
138 school system.

139 (e) The department shall not be required to purchase a digital school
140 management and reporting software under this section if the
141 department is unable to select a digital school management and
142 reporting software because (1) none of the digital school management
143 and reporting software included in the responses to the request for
144 proposals satisfy the requirements described in subsection (b) of this

145 section, or (2) the cost of a digital school management and reporting
146 software included in the responses to the request for proposals exceeds
147 the amount appropriated for the purchase of a digital school
148 management and reporting software. If the department does not
149 purchase a digital school management and reporting software, then
150 the department shall conduct a study of the feasibility of the
151 department creating and administering its own digital school
152 management and reporting software for the purposes described in
153 subsection (a) of this section. Not later than April 1, 2018, the
154 department shall submit such study to the joint standing committee of
155 the General Assembly having cognizance of matters relating to
156 education, in accordance with the provisions of section 11-4a of the
157 general statutes.

158 Sec. 4. Subsection (o) of section 10-236b of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective July*
160 *1, 2017*):

161 (o) (1) Each local or regional school district shall provide training [to
162 school professionals, paraprofessional staff members and
163 administrators] regarding the physical restraint and seclusion of
164 students to only those teachers, as defined in section 10-144d,
165 administrators, as defined in section 10-144e, and school
166 paraprofessionals who have direct contact with students, and any
167 other school employee, as defined in section 10-222d, designated by
168 the school principal. Such training shall be phased in over a period of
169 three years beginning with the school year commencing July 1, 2015,
170 and shall include, but not be limited to:

171 (A) An overview of the relevant laws and regulations regarding the
172 use of physical restraint and seclusion on students. Such overview
173 shall be provided by the Department of Education to [all school
174 professionals, paraprofessional staff members and administrators]
175 such teachers, administrators, school paraprofessionals and other
176 school employees on or after July 1, 2015, and annually thereafter, in a

177 manner and form as prescribed by the Commissioner of Education;

178 (B) The creation of a plan by which each local or regional board of
179 education shall provide [school professionals, paraprofessional staff
180 members and administrators] such teachers, administrators, school
181 paraprofessionals and other school employees with training and
182 professional development regarding the prevention of incidents
183 requiring physical restraint or seclusion of students. Such plan shall be
184 implemented not later than July 1, 2017, and shall include a provision
185 to require the training of [all school professionals, paraprofessional
186 staff members and administrators] such teachers, administrators,
187 school paraprofessionals and other school employees in the prevention
188 of such incidents not later than July 1, 2019. The Department of
189 Education may, within available appropriations, provide ongoing
190 monitoring and support to local or regional boards of education
191 regarding the formulation and implementation of the plan; and

192 (C) The creation of a plan by which each local or regional board of
193 education shall provide [school professionals, paraprofessional staff
194 members and administrators] such teachers, administrators, school
195 paraprofessionals and other school employees with training and
196 professional development regarding the proper means of physically
197 restraining or secluding a student, including, but not limited to, (i)
198 various types of physical restraint and seclusion; (ii) the differences
199 between life-threatening physical restraint and other varying levels of
200 physical restraint; (iii) the differences between permissible physical
201 restraint and pain compliance techniques; and (iv) monitoring
202 methods to prevent harm to a student who is physically restrained or
203 in seclusion. Such plan shall be implemented not later than July 1,
204 2017, and shall include a provision to require the training of [all school
205 professionals, paraprofessional staff members and administrators]
206 such teachers, administrators, school paraprofessionals and other
207 school employees in the proper means of physically restraining or
208 secluding a student not later than July 1, 2019, and periodically
209 thereafter as prescribed by the Commissioner of Education;

210 (2) Not later than July 1, 2015, and each school year thereafter, each
211 local or regional board of education shall require each school in the
212 district to identify a crisis intervention team consisting of [school
213 professionals, paraprofessional staff members and administrators]
214 such teachers, administrators, school paraprofessionals and other
215 school employees who have been trained in the use of physical
216 restraint and seclusion pursuant to subparagraph (C) of subdivision (1)
217 of this subsection or chapter 814e. Such teams shall respond to any
218 incident in which the use of physical restraint or seclusion may be
219 necessary as an emergency intervention to prevent immediate or
220 imminent injury to a student or to others. Each member of the crisis
221 intervention team shall be recertified in the use of physical restraint
222 and seclusion pursuant to subparagraph (C) of subdivision (1) of this
223 subsection or chapter 814e on an annual basis.

224 Sec. 5. Subsection (k) of section 10-222c of the general statutes is
225 repealed and the following is substituted in lieu thereof (*Effective July*
226 *1, 2017*):

227 (k) For purposes of this section and section 10-221d, (1) "sexual
228 misconduct" means any verbal, nonverbal, written or electronic
229 communication, or any other act directed toward or with a student
230 that is designed to establish a sexual relationship with the student,
231 including a sexual invitation, dating or soliciting a date, engaging in
232 sexual dialog, making sexually suggestive comments, self-disclosure or
233 physical exposure of a sexual or erotic nature and any other sexual,
234 indecent or erotic contact with a student; [and] (2) "abuse or neglect"
235 means abuse or neglect as described in section 46b-120, and includes
236 any violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
237 53a-73a; and (3) "former employer" means the person, firm, business,
238 educational institution, nonprofit agency, corporation, limited liability
239 company, the state, any political subdivision of the state, any
240 governmental agency, or any other entity which employs persons that
241 an individual was employed by during any of the previous twenty
242 years.

243 Sec. 6. Section 10-76ee of the general statutes is repealed and the
244 following is substituted in lieu thereof (*Effective July 1, 2017*):

245 An administrative representative [shall] may be included in
246 planning and placement team meetings for each child requiring special
247 education pursuant to the provisions of sections 10-76a to 10-76g,
248 inclusive, provided such administrative representative shall be a
249 person, other than the child's teacher, who is qualified to provide or
250 supervise the provision of special education. Such administrative
251 representative need not be the principal of the school.

252 Sec. 7. Subsection (a) of section 10-157 of the general statutes is
253 repealed and the following is substituted in lieu thereof (*Effective July*
254 *1, 2017*):

255 (a) [Any] Each local or regional board of education for a town with
256 (1) a population of ten thousand or more, (2) three or more public
257 schools located in the town, and (3) two thousand or more resident
258 students, as defined in section 10-262f, shall provide for the
259 supervision of the schools under its control by a superintendent who
260 shall serve as the chief executive officer of the board. A local or
261 regional board of education for any other town may (A) provide for
262 the supervision of the schools under its control by a superintendent
263 who shall serve as the chief executive officer of the board, or (B)
264 provide for the supervision of each school under its control by the
265 principal of such school. The superintendent shall have executive
266 authority over the school system and the responsibility for its
267 supervision. Employment of a superintendent shall be by election of
268 the board of education. Except as provided in subsection (b) of this
269 section, no person shall assume the duties and responsibilities of the
270 superintendent until the board receives written confirmation from the
271 Commissioner of Education that the person to be employed is properly
272 certified or has had such certification waived by the commissioner
273 pursuant to subsection (c) of this section. The commissioner shall
274 inform any such board, in writing, of the proper certification, waiver of

275 certification or lack of certification or waiver of any such person not
276 later than fourteen days after the name of such person is submitted to
277 the commissioner pursuant to section 10-226. A majority vote of all
278 members of the board shall be necessary to an election, and the board
279 shall fix the salary of the superintendent and the term of office, which
280 shall not exceed three years. Upon election and notification of
281 employment or reemployment, the superintendent may request and
282 the board shall provide a written contract of employment which
283 includes, but is not limited to, the salary, employment benefits and
284 term of office of such superintendent. Such superintendent shall, at
285 least three weeks before the annual town or regional school district
286 meeting, submit to the board a full written report of the proceedings of
287 such board and of the condition of the several schools during the
288 school year preceding, with plans and suggestions for their
289 improvement. The board of education shall evaluate the performance
290 of the superintendent annually in accordance with guidelines and
291 criteria mutually determined and agreed to by such board and such
292 superintendent.

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2017</i> | 10-66q |
| Sec. 2 | <i>August 15, 2017</i> | 10-233d(d) |
| Sec. 3 | <i>July 1, 2017</i> | New section |
| Sec. 4 | <i>July 1, 2017</i> | 10-236b(o) |
| Sec. 5 | <i>July 1, 2017</i> | 10-222c(k) |
| Sec. 6 | <i>July 1, 2017</i> | 10-76ee |
| Sec. 7 | <i>July 1, 2017</i> | 10-157(a) |

Statement of Purpose:

To provide state education mandate relief by making implementation of the uniform regional school calendar optional, eliminating the requirement that an alternative educational opportunity for expelled students shall be nine hundred hours, require the Department of Education to purchase a digital school management and reporting software, require only certain school employees who have direct

contact with students to complete training in the restraint and seclusion of students, require school districts to contact only those former employers in which an applicant was employed for any of the previous twenty years, eliminate the requirement that an administrator attend every planning and placement team meeting, and eliminate the superintendent requirement for certain boards of education.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]